

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No.: 1:19-CV-12208-LTS

KIRA WAHLSTROM,
Plaintiffs

v.

ZURICH AMERICAN INSURANCE
COMPANY, and AMERICAN
GUARANTEE AND LIABILITY
INSURANCE COMPANY,
Defendants

PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF PERSONNEL FILES

Plaintiff Kira Wahlstrom, by and through undersigned counsel, asks this Honorable Court to Order Defendants to produce relevant personnel files which are neither privileged nor otherwise protected from discovery, and are relevant and material to the present case. In support of this Motion, Plaintiff submits the attached Memorandum of Law and states as follows:

1. On May 31, 2020, Plaintiff served a Request for Production of Documents upon the Defendants.
2. Request No. 48 requested "The complete personnel file for Molly Harrigan."
3. Request No. 49 requested "The complete personnel file for the individual responsible for supervising Molly Harrigan."
4. On August 10, 2020, Defendants served the Responses to the Request for Production of Documents upon the Plaintiff.
5. In their responses, Defendants objected to each of these Requests on several grounds and produced a privilege log.

6. The produced privilege log fails to comply with Fed.R.Civ.P. 26(b)(5) in that it does not adequately describe the nature of the documents or communications. Specifically, many line items do not contain the author of the document, the recipient of the document, the reason it is being withheld as privileged, and/or an adequate description as to what is being withheld.
7. There are also several line items on the privilege log that are not privileged, as they are said to be authored by the undersigned, sent to or from the undersigned, or are pleadings filed with the court.
8. It is unclear by Defendants' Responses to Plaintiff's Request No. 48 and Request No. 49 or by the privilege log whether the requested documents are encompassed by the privilege log.
9. Defendants failed to provide an adequate privilege log showing that any of the documents being withheld are privileged, protected by the attorney work product doctrine, or otherwise protected.
10. The personnel files requested are relevant and material to the current case as Ms. Harrigan and her supervisor were involved in Plaintiff's underlying Civil Case, and any privacy interests are outweighed by the Plaintiff's need for the information.

WHEREFORE, Plaintiff Kira Wahlstrom, respectfully requests that this Honorable Court Order Defendants to produce the requested materials.

The Plaintiff,
By her attorney,

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Dated: May 14, 2021

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party having an appearance in this case via CM/ECF, if available, or otherwise by U.S. Mail on May 14, 2021.

/s/ David J. Hoey

David J. Hoey